federal register

Wednesday
November 19, 1980

Part IV

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education; Rules of Practice Governing Proceedings on Petitions To Modify or Be Exempted From the Order

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education; Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agriculture Marketing Service issues regulations which establish rules of practice governing proceedings on petitions to modify or to be exempted from provisions of the Wheat and Wheat Foods Research and Nutrition Education Order which was issued May 12, 1980, and published May 16, 1980, at 45 FR 32572. The regulations herein issued are authorized by section 1716 of the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3415).

EFFECTIVE DATE: November 19, 1980.

FOR FURTHER INFORMATION CONTACT: W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: The Wheat and Wheat Foods Research and Nutrition Education Act provides in section 1716 (7 U.S.C. 3415) that the Secretary of Agriculture is authorized to issue such regulations as may be necessary to carry out the provisions of the act. The regulations herein issued establish rules of practice governing proceedings on petitions to modify or to be exempted from provisions of the Wheat and Wheat Foods Research and Nutrition Education Order which was issued May 12, 1980, and published in the **Federal Register** May 16, 1980, at 45 FR 32572. The statutory authority for such proceedings on petitions filed is found at section 1710(a) of the Act (7 U.S.C. 3409).

It has been determined that under the administrative procedure provisions in 5 U.S.C. 553, it is impractical and unnecessary to allow opportunity for public comment or to delay the effectiveness of these rules of practice until 30 days after publication in the **Federal Register** for the reasons that: (1) No substantive rule or change of rule is involved, and (2) These procedures are patterned directly after existing procedures which have been effectively used in similar programs.

Accordingly, Part 1280 of Chapter XI of Title 7 of the Code of Federal Regulations is amended by adding a new Subpart as follows:

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempted From the Order.

Sec.
1280.250 Words in the singular form.
1280.251 Definitions.
1280.252 Institution of proceeding.

Authority: Wheat and Wheat Foods Research and Nutrition Education Act, Pub. L. 95-113, 95th Cong., approved September 29, 1977, 7 U.S.C. 3401-3417.

§ 1280.250 Words in the singular form.

Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 1280.251 Definitions.

As used in this subpart, the terms as defined in the Act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "Act" means the Wheat and Wheat Foods Research and Nutrition Education Act and as it may be amended (Pub. L. 95-113, 7 U.S.C. 3401 et. seq.);

(b) The term "Department" means the U.S. Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any other officer or employee of the Department of Agriculture to whom there has heretofore been delegated, or to whom they may hereinafter be delegated the authority to act in the Secretary's stead;

(d) The term "Administrative Law Judge" or "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 and assigned to conduct the hearing;

(e) The term "Administrator" means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any other officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead;

(f) The term **Federal Register** means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and act supplementary thereto and amendatory thereof;

(g) The term "order" means any order or any amendment thereto which may be issued pursuant to the Act;

(h) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity, subject to an order or to whom an order is sought to be made applicable, or on whom an obligation has been imposed or is sought to be imposed under an order;

(i) the term "proceeding" means a proceeding before the Secretary arising under section 1710(a) of the Act;

(j) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(k) The term "party" includes the Department;

(l) The term "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.;

(m) The term "Administrative Law Judge's report" means the Administrative Law Judge's report to the Secretary and includes the Administrative Law Judge's proposed (1) findings of fact and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions, and orders submitted by the parties; and

(n) The term "petition" includes an amended petition.

§ 1280.252 Institution of proceeding.

(a) *Filing and service of petition.* Any person subject to an order desiring to complain that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with the law, shall file with the Hearing Clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the Hearing Clerk shall transmit a true copy thereof to the Administrator and the General Counsel, respectively;

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms and provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the

petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant; and

(6) An affidavit by the petitioner, or if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition.

(c) *Application to dismiss petition.*

(1) If the Administrator is of the opinion that the petition, or any portion thereof, does not substantially comply, in form or content, with the Act or with the requirements of (b) of this section, the Administrator may, within 30 calendar days after the filing of the petition file with the Hearing Clerk an application to dismiss the petition, or any portion thereof, on one or more of the grounds stated in this section. Such application shall specify the grounds of objection to the petition and if based, in whole or in part, on allegations of fact not appearing on the face of the petition, shall be accompanied by appropriate affidavits or documentary evidence substantiating such allegations of fact. The application may be accompanied by a memorandum of law. Upon receipt of such application, the Hearing Clerk shall cause a copy thereof to be served upon the petitioner, together with a notice stating that all papers to be submitted in opposition to such application, including any memorandum of law, must be filed by the petitioner with the Hearing Clerk not later than 20 calendar days after the service of such notice upon the petitioner. Upon the expiration of the time specified in such notice, or upon receipt of such papers from the petitioner, the Hearing Clerk shall transmit all papers which have been filed in connection with the application to the Judge for consideration.

(2) *Decision by Administrative Law Judge.* The Judge, after due consideration shall render a decision upon the motion stating the reasons for the action. Such decision shall be in the form of an order and shall be filed with the Hearing Clerk who shall cause a copy thereof to be served upon the petitioner and a copy thereof to be transmitted to the Administrator. Any such order shall be final unless appealed pursuant to § 900.65, incorporated by (d) of this section: *Provided,* That within 20 calendar days following the service upon the petitioner of a copy of the order of the Judge dismissing the petition, or any portion thereof, on the ground that it does not substantially comply in form and content with the Act or with (b) of this section, the petitioner shall be permitted to file an amended petition.

(3) *Oral argument.* Unless a written application for oral argument is filed by a party with the Hearing Clerk not later than the time fixed for filing papers in opposition to the motion, it shall be considered that the party does not desire oral argument. The granting of a request to make oral argument shall rest in the discretion of the Judge.

(d) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from the orders shall be governed by § 900.52a through § 900.71 excluding § 900.70 of the title "Rules of Practice Governing Proceedings on Petitions to Modify or to be Exempted from Marketing Orders" revised October 29, 1973, and any amendments thereto, except that all references to marketing orders shall mean the Order under the Act, and as may hereafter be amended, and the same are incorporated herein and made a part hereof by reference.

Done at Washington, D.C., on November 14, 1980.

Jerry Hill,

Deputy Assistant Secretary for Marketing Services

[FR Doc. 80-38103 Filed 11-18-80; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

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DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator. Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

ENVIRONMENTAL PROTECTION AGENCY

33290 5-19-80 / Consolidated Permit Regulations

33066 5-19-80 / Hazardous Waste Management System: General

72035 10-30-80 / Hazardous waste; identification and listing chromium

72039 10-30-80 / Hazardous waste; interim status standards for owners and operators of treatment, storage, and disposal facilities; closure plan preparation

33084 5-19-80 / Hazardous Waste Management System: Identification and listing of hazardous waste

72024 10-30-80 / Hazardous waste management system; general and identification and listing of hazardous waste; definition of "transport vehicle" and "vessel"

33140 5-19-80 / Standards for generators of hazardous waste

33150 5-19-80 / Standards for transporters of hazardous waste

INTERIOR DEPARTMENT

Fish and Wildlife Service—

69360 10-20-80 / Endangered and threatened wildlife and plants; determination of *Hudsonia montana* (mountain golden heather) be a threatened species with critical habitat

TRANSPORTATION DEPARTMENT

Federal Highway Administration and Urban Mass Transportation Administration—

69390 10-20-80 / Interstate system; withdrawal of nonessential highway routes and use of funds for substitute mass transit projects

Deadlines for Comments on Proposed Rules for the Week of November 23 through November 29, 1980

AGRICULTURE DEPARTMENT

Agriculture Marketing Service—

74491 11-10-80 / License fees, increase; comments by 11-25-80

71198 10-27-80 / Milk marketing order, Southwest Idaho—Eastern Oregon area; revised decision and opportunity to file exceptions; comments by 11-26-80

Foreign Agricultural Service—

70873 10-27-80 / Italian-type cheese loaves; import quotas; comments by 11-26-80

CIVIL AERONAUTICS BOARD

63509 9-25-80 / Charters; use of insurance policies to satisfy financial security requirements and use of letter of credit as an arrangement for protecting charter passengers' payments; comments by 11-24-80

COMMODITY FUTURES TRADING COMMISSION

57141 8-27-80 / Large trader reporting to exchanges and reporting open positions; comments by 11-25-80

DEFENSE DEPARTMENT

Army Department—

71373 10-28-80 / Privacy Act records; exemption rules; comments by 11-28-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

66960 10-8-80 / Residential Conservation Service Program; comments by 11-24-80

Federal Energy Regulatory Commission—

71587-71589 10-29-80 / Ceiling prices; high-cost gas produced from tight formations; comments by 11-24-80 (3 documents)

72687 11-3-80 / High cost gas produced from tight formations, ceiling prices; designation of Arkadelphia Formation, La.; comments by 11-28-80

72199 10-31-80 / Procedures for jurisdictional agencies to recommend designation of certain natural gas production areas as tight formations; comments by 11-26-80

Office of the Secretary—

66970 10-8-80 / Energy Auditor Training and Certification Grants; comments by 11-24-80

ENVIRONMENTAL PROTECTION AGENCY

71382 10-28-80 / District of Columbia State Implementation Plan; revision; comments by 11-28-80

68693 10-16-80 / Hazardous Waste Management Program; Oregon's application for interim authorization, Phase I; comments by 11-24-80

68694 10-16-80 / Hazardous Waste Management Plan; Texas; submission for approval of Interim Authorization Plan, Phase I; comments by 11-25-80

71379 10-28-80 / Michigan; ozone control strategy and transportation control plans; comments by 11-28-80

72215 10-31-80 / National ambient air quality standards for carbon monoxide; comments period extended to 11-24-80

[*See also* 45 FR 55066, 8-18-80]

70917 10-27-80 / North Carolina air quality designation areas (2 documents); comments by 11-26-80

63006 9-23-80 / Premanufacture notification requirements and review procedures; clarification of importer reporting responsibilities; comments by 11-24-80

70513 10-24-80 / Revision to Rhode Island State Implementation Plan; comments by 11-24-80

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

64213 9-29-80 / Age discrimination in employment; comments by 11-28-80

FEDERAL COMMUNICATIONS COMMISSION

56116 8-22-80 / Amendment of broadcast equal employment opportunity rules and FCC form 395; reply comments extended to 11-24-80

72719 11-3-80 / Direct broadcasting satellites; satellite-to-home television transmission; comments by 11-28-80

69496 10-21-80 / FM broadcast stations in Farwell and Morton, Tex.; proposed changes in table of assignments; comments by 11-28-80

63302 9-24-80 / FM broadcast station in Hudson, Mich.; proposed changes in table of assignments; reply comments by 11-28-80

62517 9-19-80 / FM broadcast station in Roy and Clearfield, Utah, proposed changes in table of assignments; reply comments by 11-28-80

61649 9-17-80 / FM broadcast station in Show Low, Ariz., proposed changes in table of assignment; comments by 11-7-80, reply comments by 11-28-80

58150 9-2-80 / 9 kHz channel spacing for AM broadcasting; reply comments by 11-24-80

67399 10-10-80 / Radio broadcast stations (FM) in Louisiana, changes in table of assignment; comments by 11-28-80

67400 10-10-80 / TV broadcast stations in Indiana, changes in table of assignments; comments by 11-28-80

FEDERAL EMERGENCY MANAGEMENT AGENCY

63854 9-26-80 / Collection of claims under the Federal Claims Collection Act of 1966; comments by 11-25-80

FEDERAL TRADE COMMISSION

64597 9-30-80 / Farnam Cos. Inc. et al.; consent agreement with analysis to aid public comment; comments by 11-28-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Disease Control Center—

63845 9-26-80 / Grants for health education-risk reduction, programs to discourage children and adolescents from smoking; and alcohol use; comments by 11-25-80

Food and Drug Administration—

63876 9-26-80 / Anorectal products (OTC); reopening of record for camphor-containing drug products; comments by 11-25-80

63869 9-26-80 / Camphorated oil and camphor-containing drug products for over the-counter human use; comments by 11-25-80

63874 9-26-80 / Cold, cough, allergy bronchodilator, and antiasthmatic products (OTC); reopening of record for camphor-containing drug products, comments by 11-25-80

63878 9-26-80 / External analgesic drug products (OTC); reopening of record for camphor-containing products; comments by 11-25-80

70444 10-24-80 / Food additive regulations; antioxidants and/or stabilizers; objections by 11-24-80

Health Care Financing Administration—

64008 9-26-80 / Medicare, incentive reimbusement for outpatient dialysis and self-care dialysis training; comments by 11-25-80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—Office of the Assistant Secretary for Housing—

64211 9-29-80 / Mortgagor and tenant relationship—mortgagor relationship to tenant activities; comments by 11-28-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

57680 8-28-80 / Designation of critical habitat for the endangered Maryland darter fish; comments by 11-26-80

64113 9-26-80 / Merriam's Montezuma quail, removal from List of Endangered and Threatened Wildlife; petition acceptance and status review; comments by 11-25-80

54111 8-14-80 / Proposed threatened status for the leopard in Sub-Saharan Africa; comment period extended to 11-24-80

[*See also* 45 FR 19007, 3-24-80]

Indian Affairs Bureau—

70284 10-23-80 / Land records and title documents; comments by 11-24-80

64472 9-29-80 / Special education, Indian children; comments by 11-28-80

Surface Mining Reclamation and Enforcement Office—

70480 10-24-80 / Abandoned Mine Lands Reclamation Program, comments by 11-24-80

[Orginally published at 45 FR 63002, 9-23-80]

63002 9-23-80 / State reclamation grants; filing of financial and performance reports, and identification of specific forms; comments by 11-24-80

INTERSTATE COMMERCE COMMISSION

70923 10-27-80 / Motor carriers household goods transportation; revision of operational regulations; comments by 11-26-80

LABOR DEPARTMENT

Employment Standards Administration—

70479 10-24-80 / Labor standards for further service contracts; comments period extended to 11-24-80

[*See also* 44 FR 77036, December 28, 1979]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

63506 9-25-80 / Space transportation system; reimbursement for Spacelab service; comments by 11-24-80

NUCLEAR REGULATORY COMMISSION

67099 10-9-80 / Plan to require licensees and applicants to document deviations from the standard review plan; comments by 11-24-80

67018 10-8-80 / Standards for protection against radiation; comments by 11-24-80

PENSION BENEFIT GUARANTEE CORPORATION

72213 10-31-80 / Proposed agenda of priority regulations under the Multiemployer Pension Plan Amendments Act of 1980; comments by 11-28-80

POSTAL SERVICE

70287 10-23-80 / Locks on rural mailboxes; comments by 11-24-80

SMALL BUSINESS ADMINISTRATION

66807 10-8-80 / Revision to business loan and guarantee standards; comments by 11-24-80

STATE DEPARTMENT

Office of the Secretary—

73100 11-4-80 / Appointment of foreign service officers; comments by 11-27-80

TRANSPORTATION DEPARTMENT

Coast Guard—

67708 10-14-80 / Shipment of bulk liquid hazardous waste cargoes by water; comments by 11-28-80

Federal Aviation Administration—

64207 9-29-80 / Aircraft identification and registration; marking, size requirements; comments extended to 11-28-80

[Originally published at 45 FR 50810, 7-31-80]

72020 10-30-80 / Airworthiness Standards; aircraft and products design and procedural standards for type certificates, type certificate amendments, and supplemental type certificates; comments extended to 11-26-80

[Originally published at 45 FR 57688, 8-28-80]

72017 10-30-80 / FAA access to flight data recorder and cockpit voice recorder tapes; comments extended until 11-26-80

[Originally published at 45 FR 57694, 8-28-80]

59295 9-8-80 / Operations review program; reply comments by 11-23-80

70237 10-23-80 / Solicitation and leafletting procedures at Washington National and Dulles International Airports; comments by 11-24-80

64468 9-29-80 / Highway beautification; on premise signs; comments by 11-28-80

67107 10-9-80 / Parts and accessories necessary for safe operation; rear-vision mirrors; comments by 11-24-80

National Highway Traffic Safety Administration—

70922 10-27-80 / Motor vehicle safety standards; tire sizes and load factors; comment period extended to 11-28-80

[*See also* 45 FR 57466, 8-28-80]

67106 10-9-80 / Proposed decision to grant exemption from average fuel economy standards and to establish alternative standards; comments by 11-24-80

TREASURY DEPARTMENT

Comptroller of the Currency—

64196 9-29-80 / Adjustable rate mortgages; comments by 11-28-80

Customs Service—

70476 10-24-80 / Personal declarations and exemptions provisions; comments by 11-23-80

64211 9-29-80 / Proposed change in the field organization; extending the existing port limits of Sandusky, Ohio; comments by 11-28-80

Internal Revenue Service—

63879 9-26-80 / Employment taxes; interest-free adjustment for erroneous filing of FICA and RRTA returns; comments by 11-25-80

63297 9-24-80 / Interim rule for determining base prices for tier 2 and tier 3 oil; comments by 11-24-80

Deadlines for Comments On Proposed Rules for the Week of November 30 through December 6, 1980

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation—

64588 9-30-80 / Pea Crop Insurance regulations; comments by 12-1-80

Food and Nutrition Service—

65932 10-3-80 / Food Stamps; performance reporting and sanction/incentive system; comments by 12-3-80

Food Safety and Quality Service—

71364 10-28-80 / Polychlorinated biphenyls in food, feed, agricultural pesticide and fertilizer facilities; comments by 12-4-80

Rural Electrification Administration—

64596 9-30-80 / Revision of REA Bulletin 181-3; Accounting interpretations for rural electric borrowers; comments by 12-1-80

Soil Conservation Service—

65603 10-3-80 / Small Watershed Protection and Flood Prevention Act; intent to review regulations, policies and procedures; comments by 12-1-80

ALASKA NATURAL GAS TRANSPORTATION SYSTEM, OFFICE OF FEDERAL INSPECTOR

73081 11-4-80 / Reimbursement of costs from sponsoring companies; comments by 12-4-80

ARTS AND HUMANITIES NATIONAL FOUNDATION

65635 10-3-80 / Employers part-time career employment; comments by 11-30-80

CIVIL AERONAUTICS BOARD

71365 10-28-80 / Airlines filing tariffs stating prices as maximum amounts; comments by 12-1-80

73086 11-4-80 / Classification and exemption of air taxi operators; comments by 12-4-80

COMMERCE DEPARTMENT

Census Bureau—

65250 10-2-80 / Miscellaneous amendments to the Foreign Trade Statistics Regulations; comments by 12-1-80

[Corrected at 45 FR 68965, 10-17-80]

Maritime Administration—

66167 10-6-80 / Research and development grant and cooperative agreements regulations; comments by 12-5-80

National Oceanic and Atmospheric Administration—

64996 10-1-80 / Atlantic groundfish fishery; comments by 12-1-80

65641 10-3-80 / Foreign fishing in the Northern Pacific Ocean and Bering Sea; catch documentation and reporting procedures; comments by 12-2-80

DEFENSE DEPARTMENT

Army Department—

73103 11-4-80 / Privacy Act systems of records; amendment of exemption rule; comments by 12-4-80

Engineers Corps—

62732 9-19-80 / Amendment of regulations for controlling certain activities in waters of the United States; comments by 12-1-80

70511 10-24-80 / Florida navigation locks regulations; comments by 11-30-80

National Security Agency—

71373 10-28-80 / Privacy Act systems of records; exemption rules; comments by 12-1-80

EDUCATION DEPARTMENT

Office of the Secretary—

73514 11–5–80 / Minority Institution Science Improvement Program (MISIP); grant regulations; comments by 12–5–80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

74505 11–10–80 / Natural Gas Policy Act of 1978; alternative fuel price ceilings for incremental pricing; comments by 12–5–80

73692 11–6–80 / Treatment under the incremental pricing program of natural gas used as boiler fuel to raise steam which forms an integral step in the manufacturing process for fertilizer, agricultural chemicals, animal feed, and food; comments extended to 12–1–80

[Originally published at 45 FR 13122, 2–28–80]

ENVIRONMENTAL PROTECTION AGENCY

72708 11–3–80 / Acephate; proposed tolerance in or on mint hay; comments by 12–3–80

72221 10–31–80 / Air programs, Idaho; primary nonferrous smelter order to Bunker Hill Co.; comments by 12–1–80

72219 10–31–80 / Air quality implementation plan, Idaho; control of sulfur dioxide emissions from Bunker Hill Co. lead and zinc smelter; comments by 12–1–80

65630 10–3–80 / Air quality implementation plan, Missouri, approval, promulgation, and designation of areas; comments by 12–2–80

69271 10–20–80 / California, air quality; sulfur-dioxide nonattainment area boundaries for Kern County; comment period extended to 12–1–80

[*See also* 45 FR 55231, 8–19–80 and 45 FR 60931, 9–15–80]

72217 10–31–80 / Consideration of Ohio Implementation Plan revision; comments by 12–1–80

73440 11–4–80 / Guidelines for development and implementation of State solid waste management plans; comments by 12–4–80

60929 9–15–80 / Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; comments by 11–30–80

62851 9–22–80 / Importation of motor vehicles and motor vehicle engines; comments by 12–3–80

70917 10–27–80 / Michigan air quality implementation plan; comment period extended to 11–30–80

[*See also* 45 FR 59329, 9–9–80]

70287 10–23–80 / Oklahoma; Submission for approval of interim authorization plan, Phase I, hazardous waste management plan; comments by 12–2–80

65633 10–3–80 / Pesticide use violations; procedures governing rescission of State primary enforcement responsibility; comments by 12–2–80

65633 10–3–80 / Pesticide use violations; rescission of States' primary enforcement responsibility; comments by 12–2–80

71364 10–28–80 / Polychlorinated biphenyls in food, feed, agricultural pesticide and fertilizer facilities; comments by 12–4–80

65262 10–2–80 / Receipt of revision to take, Great Basin Unified, Modoc, Imperial and San Bernardino Air Pollution Control Districts; comments by 12–1–80

72215 10–31–80 / Request for comments on deadline for remedying of conditionally approved portions of Ohio State Implementation plan; comments by 12–1–80

73520 11–5–80 / Revision of the Delaware State Implementation Plan; comments by 12–5–80

68403 10–15–80 / Rulemaking petition to require that generators and transporters of small quantities of hazardous waste comply with manifest, packaging, labeling and recordkeeping requirements; comments by 12–1–80

72709 11–3–80 / Solid waste disposal facilities and practices, criteria for classification; comments by 12–3–80

64856 9–30–80 / State implementation plans; approval of 1982 ozone and carbon monoxide plan revisions for areas needing an attainment date extension; comments by 12–1–80

71818 10–30–80 / State Solid Waste Management Plans, guidelines for development and implementation; comments by 12–1–80

73601 11–5–80 / Strychrine; preliminary notice of determination concluding the rebuttable presumption against registration of pesticide products; availability of position document; comments by 12–5–80

72232 10–31–80 / Water pollution; ink formulating; point source category effluent limitations guidelines; comments by 12–1–80

72232 10–31–80 / Water pollution; paint formulating; point source category effluent limitations guidelines; comments by 12–1–80

FEDERAL COMMUNICATIONS COMMISSION

37468 6–3–80 / Availability of additional FM frequencies and modification of procedures used in assigning such channels; reply comments by 12–1–80

[*See also* 45 FR 17602, 3–19–80 and 45 Fr 26390, 4–18–80]

63516 9–25–80 / Conversion of radiation patterns for AM Broadcast Stations; reply comments by 12–2–80

69499 10–21–80 / FM broadcast station in Alliance, Nebr.; proposed changes in tables of assignments; comments by 12–2–80

69502 10–21–80 / FM broadcast station in Hilton Head Island, S.C.; proposed changes in table of assignments; comments by 12–2–80

69501 10–21–80 / TV broadcast stations in Madisonville, Ownesboro and Princeton, Ky., proposed changes in tables of assignments; comments by 12–2–80

69497 10–21–80 / TV broadcast station in Rio Grande City, Tex.; proposed changes in table of assignments; comments by 12–2–80

64981 10–1–80 / TV broadcast station in Santa Barbara, Calif.; changes in table of assignments; reply comments by 12–5–80

FEDERAL HOME LOAN BANK BOARD

66798 10–7–80 / Graduated payment adjustable mortgage; comments by 12–1–80

66801 10–8–80 / Shared appreciation mortgage; comments by 12–1–80

FEDERAL TRADE COMMISSION

65255 10–2–80 / Darworth Co.; consent agreement with analysis to aid public comment; comments by 12–1–80

65252 10–2–80 / Murata Manufacturing Co., Ltd.; consent agreement with analysis to aid public comment; comments by 12–1–80

[Corrected at 45 FR 67360, 10–10–80]

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

64978 10–1–80 / Records management; stationery standards; comments by 12–1–80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

65619 10–3–80 / Medical devices; labeling and restrictions to assure safe and effective use; comments by 12–2–80

71364 10–28–80 / Polychlorinated biphenyls in food, feed, agricultural pesticide and fertilizer facilities; comments by 12–4–80

Health Care Financing Administration—

71821 10–30–80 / Medicaid program; deeming of income between spouses; comments by 12–1–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

73272 11-4-80 / Section 8 and Section 23 Housing Assistance Payments Program; amendment of fair market rent schedules for existing housing; comments by 12-3-80

Office of the Secretary—

65258 10-2-80 / Siting of HUD-assisted project in locations with marginal or unacceptable air quality; comments by 12-1-80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

58171 9-2-80 / Endangered and threatened wildlife; review of three southeastern fishes; comments by 12-1-80

Heritage Conservation and Recreation Service—

66179 10-6-80 / Energy conservation by recipients of Federal assistance; comments by 12-5-80

Indian Affairs Bureau—

72699 11-3-80 / Accounting procedures, internal; Indian moneys, proceeds of labor and special deposits; comments by 12-3-80

Land Management Bureau—

68506 10-15-80 / Grazing administration and trespass on public land; comments by 12-1-80

National Park Service—

73518 11-5-80 / Restrictions on consumption of alcoholic beverages within Valley Force National Historical Park; comments by 12-5-80

Surface Mining Reclamation and Enforcement Office—

74513 11-10-80 / Kansas regulatory program, resubmission; comments by 11-26-80

71816 10-30-80 / Surface coal mining reclamation operations, State or Federal programs; comments by 12-1-80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

65258 10-2-80 / Review of collection of civil claims; comments by 12-1-80

INTERSTATE COMMERCE COMMISSION

73106 11-4-80 / Feeder railroad development program implementation; comments by 12-4-80

68696 10-16-80 / Procedures to permit carriers to reroute traffic automatically for 30 days when necessary for reason beyond carriers control; comments by 12-1-80

67272 10-9-80 / Public forum on interstate motor carrier study, Washington, D.C. (open), 11-25-80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

64572 9-30-80 / Exempt chemical preparation containing controlled substances; comments by 12-1-80

64572 9-30-80 / Exempt chemical preparation containing controlled substances; comments by 12-1-80

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

65640 10-3-80 / Federal Acquisition regulations; safeguarding classified information in industry, contractor team arrangements, and defense production and research and development pools; comments by 12-3-80

LABOR DEPARTMENT

Labor Management Standards Enforcement Office—

65926 10-3-80 / Labor organizations; election enforcement procedures; comments by 12-2-80

PENSION BENEFIT GUARANTY CORPORATION

65259 10-2-80 / Allocation of residual assets; comments by 12-1-80

PERSONNEL MANAGEMENT OFFICE

65603 10-3-80 / Political participation by Federal employees in local elections; partial exemption from Hatch Act restrictions for residents of New Carrollton, Md.; comments by 12-2-80

POSTAL SERVICE

73518 11-5-80 / Domestic Mail Manual; definition of the terms "newspaper" and "periodical publication"; comments by 12-4-80

73103 11-4-80 / International express mail rates to Argentina; comments by 12-4-80

SECURITIES AND EXCHANGE COMMISSION

71776 10-30-80 / Debt securities, establishing ceiling limitations on the amount; comments by 11-30-80

74505 11-10-80 / Financial and Operational Combined Uniform Single ("FOCUS") Report; revision of form and filing requirements; comment period extended to 11-30-80

[*See also* 45 FR 62092 9-18-80]

71811 10-30-80 / Report of sales of securities; comments by 12-5-80

72685 11-3-80 / Securities resales; amount limitation, manner of sale and notice requirements; lessening of restrictions; comments by 12-1-80

SMALL BUSINESS ADMINISTRATION

66174 10-6-80 / Proposed business loan policy; comments by 12-5-80

TRANSPORTATION DEPARTMENT

Federal Highway Administration—

74940 11-13-80 / Bikeway design and construction criteria; comments extended from 11-3-80 to 12-3-80

[*See also* 45 FR 51720, 8-4-80]

51625 8-4-80 / Consideration of revision of regulations for transportation of migrant workers; comments by 12-2-80

National Highway Traffic Safety Administration—

70282 10-23-80 / Highway safety innovative project grants program; comments by 12-1-80

Research and Special Programs Administration—

69272 10-20-80 / Hazardous materials; withdrawal of certain Bureau of Explosives authority delegations and miscellaneous amendments; comments by 12-5-80

Urban Mass Transportation Administration—

56742 8-25-80 / Section 5 operation assistance regulations, comments by 12-1-80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

69249 10-20-80 / Distilled Spirits Tax Revision Act of 1979, implementation; comment period extended to 12-1-80

[*See also* 44 FR 71612, 12-11-79 and 45 FR 54087, 8-14-80]

Customs Service—

64601 9-30-80 / Importation of motor vehicles and motor vehicle engines under the Clean Air Act; comments by 12-3-80

Next Week's Meetings

ARTS AND HUMANITIES, NATIONAL FOUNDATION

71868 10-30-80 / Humanities Panel, Washington, D.C. (closed), 11-24-80

73564 11-5-80 / Visual Arts (Craft Exhibition), Wash., D.C., (closed), 11-24 and 11-25-80

COMMERCE DEPARTMENT

Census Bureau—

71637 10-29-80 / Census Advisory Committee of the American Marketing Association, Suitland, Md. (open), 11-25-80

National Oceanic and Atmospheric Administration—

72242 10-31-80 / Caribbean Fishery Management Council, Scientific and Statistical Committee, Hato Rey, Puerto Rico (open), 11-25-80

73529 11-5-80 / New England Fishery Management Council's Sea Herring Fishery Subpanel, (open) Saugus, Mass., 11-25-80

74003 11-7-80 / North Pacific Fishery Management Council's Inter-Council Salmon Coordination Subcommittees, Portland, Oreg. (open), 11-24-80

Office of the Secretary—

71636 10-29-80 / National Laboratory Accreditation Criteria Committee for freshly mixed field concrete, Washington, D.C. (open), 11-25-80

DEFENSE DEPARTMENT

Air Force Department—

74016 11-7-80 / USAF Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio (closed), 11-24-80

Navy Department—

73119 11-4-80 / Navy Resale System Advisory Committee, New York, N.Y. (partially closed), 11-24-80

Office of the Secretary—

62177 9-18-80 / DOD Wages Committee, Washington, D.C. (closed), 11-25-80

71412 10-28-80 / National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School, Washington, D.C. (open), 11-25-80

74960 11-13-80 / National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School, Fort Lesley J. McNair, Washington, D.C., (open), 11-25 through 12-2-80

ECONOMIC OPPORTUNITY NATIONAL ADVISORY COUNCIL

73121 11-4-80 / Meetings, Berkeley, Calif. (open), 11-24 and 11-25-80

EDUCATION DEPARTMENT

71643 10-29-80 / National Advisory Committee on Black Higher Education and Black Colleges and Universities, Washington, D.C. (open), 11-24 and 11-25-80

73120 11-4-80 / Vocational Education National Advisory Council, Washington, D.C. (open), 11-24-80

ENVIRONMENTAL PROTECTION AGENCY

74039 11-7-80 / Science Advisory Board, Environmental Health Committee, Washington, D.C. (open), 11-25-80

GOVERNMENT PRINTING OFFICE

72797 11-3-80 / Micropublishing Advisory council to the Public Printer, Washington D.C. (open), 11-24-80

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

70573 10-24-80 / Ophthalmic Devices Section of the Ophthalmic, Ear, Nose and Throat and Dental Devices Panel, Washington, D.C. (open), 11-24 and 11-25-80

Health Services Administration—

68464 10-15-80 / Board of Scientific Counselors, NICHD, Bethesda, Md. (closed), 11-24-80

National Institutes of Health—

72799 11-3-80 / Heart, Lung, and Blood Research Review Committees A and B, Bethesda, Md. (partially open), 12-5 and 12-6-80 (2 documents)

74263 11-7-80 / Institutional Biosafety Committee Chairpersons, Washington, D.C. (open), 11-24 and 11-25-80

68467 10-15-80 / Minority Access to Research Careers Review Committee, Bethesda, Md. (open and closed), 11-24 and 11-25-80

68468 10-15-80 / National Heart, Lung, and Blood Advisory Council, Bethesda, Md., (open and closed), 11-24 and 11-25-80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

73563 11-5-80 / NASA Advisory Council, Aeronautics Advisory Committee (AAC), Moffett Field, Calif., (open) 11-24 and 11-25-80

NUCLEAR REGULATORY COMMISSION

75030 11-13-80 / Advisory Committee on Reactor Safeguards, Three Mile Island Nuclear Plant, Unit No. 1, Subcommittee, Washington, D.C., (open), 11-28 and 11-29-80

RAILROAD RETIREMENT BOARD

69078 10-17-80 / Actuarial Advisory Committee, Chicago, Ill., (open), 11-24-80

TRANSPORTATION DEPARTMENT

Coast Guard—

62949 9-22-80 / Coast Guard Academy Advisory Committee, New London, Conn., (open), 11-24 and 11-25-80

[Rescheduled at 45 FR, 67818; 10-14-80]

Federal Highway Administration—

67272 10-9-80 / Public forum on interstate motor carrier study, Washington, D.C. (open), 11-25-80

VETERANS ADMINISTRATION

59470 9-9-80 / Wage Committee, Washington, D.C., (closed), 11-25-80

Next Week's Public Hearings

CIVIL AERONAUTICS BOARD

70950 10-27-80 / Continental-Western Merger Case, Washington, D.C., 11-24-80

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

73684 11-6-80 / Electric and hybrid vehicle research, development, and demonstration program; equivalent petroleum-based fuel economy calulation, Washington, D.C., 11-25-80

FEDERAL ENERGY REGULATORY COMMISSION—

74505 11-10-80 / Natural gas; incremental pricing; calculation of alternative fuel price ceilings, Washington, D.C., 11-24-80

ENVIRONMENTAL PROTECTION AGENCY

71538 10-28-80 / Air pollution; standards of performance for new stationary sources; publication rotogravure printing, Research Triangle Park, N.C., 11-25-80

70313 10-23-80 / Clean Air Act program grant to the State of Oregon, Portland, Oreg., 11-24-80

70287 10-23-80 / Oklahoma: Submission for approval of interim authorization plan, Phase I, hazardous waste management plan, Oklahoma City, Okla., 11-25-80

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

74513 11-10-80 / Resubmitted Kansas permanent regulatory program, Pittsburgh, Kans., 11-24-80

INTERNATIONAL TRADE COMMISSION

66925 10-8-80 / Certain inclined-field acceleration tubes and components, Washington, D.C., 11-25-80

[Originally scheduled for 10-30-80 *see* 45 FR 63389, 9-24-80]

LABOR DEPARTMENT

Pension and Welfare Benefit Programs Office—

74513 11-10-80 / Single employer plans; individuals benefit reporting and recordkeeping; Washington, D.C., 11-25-80

TREASURY DEPARTMENT

Office of the Secretary—

68686 10-16-80 / Proposed regulations to set standards for opinions by practitioners before the Internal Revenue Service used in promotion of tax shelters, Wash., D.C., 11-25-80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.** A complete cumulative listing through Public Law 96-483 was published in the Reader Aids section of the issue of Wednesday, November 5, 1980.

Last Current Listing October 24, 1980

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

Rules Going Into Effect

74928 11-13-80 / CSA—State agency assistance funded under Section 231 of the Economic Opportunity Act; policy statement revision and changes in administrative requirements; effective 12-15-80

74900 11-13-80 / Commerce/EDA—Public Works and Development Facilities Programs; clarifying amendments concerning certain types of programs which may be funded; effective 11-13-80

74680 11-10-80 / Interior/OSM—Mining and mineral resources research institutes and mineral research projects, effective 12-10-80

75610 11-14-80 / HUD/NVACP—Neighborhood self-help development program requirements; effective 1-15-81

75568 11-14-80 / OPM—Nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance; effective 12-15-80

Deadlines for Comments on Proposed Rules

74940 11-13-80 / HUD/CPGD—Community Development Block grants; community development assistance programs; clarification of HUD's policies governing program; comments by 1-12-81

66463 10-7-80 / USDA/FNS—Food Stamp program; demonstration, research, and evaluation projects; comments by 11-14-80

[Corrected at 45 FR 75218, 11-14-80]

Applications Deadlines

75301 11-14-80 / DOE/SOLAR—Loan guarantees for Alcohol fuels and biomass energy projects; apply by 12-31-80

74961 11-13-80 / ED/Office of Postsecondary Education—Strengthening Developing Institutions Program; Apply by 1-19-81

74778 11-12-80 / HHS/HRA—Expanded Function Dental Auxiliary Training; apply by 11-28-80

74776 11-12-80 / HHS/HRA—Physician Assistant Training Programs; apply by 12-8-80

74777 11-12-80 / HHS/HRA—Predoctoral Training in Family Medicine; apply by 11-21-80

74779 11-12-80 / HHS/HRA—Residency Training in General Practice of Dentistry; apply by 12-12-80

Application Deadlines

74612 11-10-80 / Harry S. Truman Scholarship Foundation; nominations from institutions of higher education for Truman Scholarships; apply by 12-1-80

Meetings

74568 11-10-80 / HHS/HDSO—Child Abuse and Neglect Advisory Board, Washington, D.C. (open), 11-13-80

74597 11-10-80 / NFAH—Music Panel (Chorus Section), Washington, D.C. (partially closed), 11-5 through 11-9-80

75369 11-14-80 / NFAH—Music Panel (Orchestra Section), Washington, D.C. (partially open), 11-17 through 11-20-80

75369 11-14-80 / NFAH—Humanities Panel, Washington, D.C. (closed), 12-1 through 12-5, 12-8, 12-9, 12-11, 12-12, 12-16 and 12-18-80

75416 11-14-80 / NSF—National Science Board, Washington, D.C. (partially open), 11-20 and 11-21-80

Meetings

74525 11-10-80 / USDA/SEA—Committee of Nine, New Orleans, La. (open), 12-4-80

Other Items of Interest

75045 11-13-80 / DOT/FHA—Public Service Archeology Grant Program Academic Year 1981-82 at the University of South Carolina

75144 11-13-80 / DOT/UMTA—Urbanized Area Formula Apportionments for Fiscal Year 1981

75564 11-14-80 / ED—Education amendments of 1980; intent to develop regulations

74558 11-10-80 / ED—Education Appeal Board; prehearing conference on appeal of State of Arizona contesting audit determinations, Washington, D.C., 12-10 and 12-11-80

74598 11-10-80 / OMB—Agency forms under review

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